

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LEWIS E. DAY, )  
Petitioner, )  
v. ) No. 4:21-CV-1494-AGF  
DENISE HACKER, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's motion to proceed in forma pauperis on appeal (ECF No. 31) and a motion for the appointment of counsel on appeal (ECF No. 30). The Court addresses each in turn.

Having reviewed Petitioner's motion to proceed in forma pauperis, the Court finds that Petitioner is unable to pay the appellate filing fee in this matter. Accordingly, the Court will grant the motion and waive the appellate filing fee in its entirety.

This Court does not appoint appellate counsel. Plaintiff may move for the appointment of counsel in the appellate court. Plaintiff should file any motion for appointment of counsel on appeal directly with the United States Court of Appeals for the Eighth Circuit. As a result, the Court will deny the motion for appointment of counsel without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's motion to proceed in forma pauperis on appeal (ECF No. 31) is **GRANTED**.

**IT IS FURTHER ORDERED** that Petitioner's motion for appointment of counsel on appeal (ECF No. 30) is **DENIED** without prejudice.

**IT IS FINALLY ORDERED** that Petitioner shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 26th day of June, 2025.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE